



U.S. Department of Justice

*United States Attorney
Southern District of New York*

*86 Chambers Street, 3rd floor
New York, New York 10007*

August 17, 2023

BY ECF

The Honorable Paul A. Engelmayer
United States District Judge
Thurgood Marshall United States Courthouse
40 Foley Square
New York, New York 10007

Re: *ACLU et al. v. DOD et al.*, No. 17 Civ. 3391 (PAE)

Dear Judge Engelmayer:

This Office represents the defendant agencies (“Defendants”) in the above-captioned lawsuit brought pursuant to the Freedom of Information Act (“FOIA”). We write respectfully on behalf of the parties to provide a joint status update pursuant to the Court’s Order dated July 13, 2023 (ECF No. 186).

Since the last report, the parties have made further progress on the issue of fees in this matter. Specifically, the undersigned has provided a counter-offer (which would still be subject to final approvals within the Government), as well as a high-level explanation of the components of the counter-offer. Counsel expect to confer about this counter-offer in the coming weeks. Based on these developments, and to allow time for the parties to discuss and for further finalization within the Government, the parties respectfully and jointly ask the Court’s leave to submit a further status report by September 29, 2023. We thank the Court for its consideration of this request.

Respectfully,

DAMIAN WILLIAMS
United States Attorney for the
Southern District of New York
Attorney for Defendants

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Granted. SO ORDERED.

Dated: August 17, 2023
New York, New York

Paul A. Engelmayr

PAUL A. ENGELMAYER
United States District Judge